

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 5, 2003

IN RE:

**CITIZENS TELECOMMUNICATIONS COMPANY
OF THE VOLUNTEER STATE TARIFF TO
CLARIFY LANGUAGE– Tariff Number 2003592**

**DOCKET NO.
03-00410**

**ORDER CONDITIONALLY APPROVING TARIFF AND
INITIATING “WORKSHOP” ON PREVENTING
VIOLATIONS OF TENN. CODE ANN. § 65-21-114**

This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Ron Jones, of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 4, 2003, to consider the Tariff to Clarify Language (Tariff No. 2003592) filed by Citizens Telecommunications Company of the Volunteer State (“Citizens”) on June 30, 2003, as amended on July 30, 2003.¹

Background

On June 30, 2003, Citizens filed Tariff No. 2003592. The proposed effective date of the Tariff was July 14, 2003.

During the regularly scheduled Authority Conference held on July 7, 2003, the panel assigned to this docket considered Tariff No. 2003592. The proposed language in the tariff

¹ Citizens does business as Frontier Communications Company of Tennessee, LLC. See, e.g., *Petition for Approval of Interconnection Agreement Between Citizens Telecommunications Company of the Volunteer State, L.L.C. d/b/a Frontier Communications of the Volunteer State and Level 3 Communications, LLC*, Docket No. 02-01341, *Order Approving Interconnection Agreement*, (March 17, 2002).

regarding county-wide calls that terminate to a local exchange company, competing local exchange company or reseller that is not participating in county-wide calling raised concerns regarding its consistency with Tenn. Code Ann. § 65-21-114.² Accordingly, the panel voted unanimously to suspend the tariff for thirty days. Citizens was directed to meet with TRA staff in an attempt to revise the tariff during the suspension period.

On July 16, 2003, Citizens filed revisions to the county-wide calling provisions in Tariff No. 2003592. After consulting with the TRA staff, Citizens filed a second revision to the county-wide calling provisions in its tariff on July 30, 2003.³

Findings and Conclusions

During the August 4, 2003 Authority Conference, the panel considered the Tariff to Clarify Language (Tariff No. 2003592) and the revision thereto. The panel concluded that the revised language contained in the county-wide calling provisions did not fully assuage their concerns regarding its consistency with Tenn. Code Ann. § 65-21-114. In recognition that industry-wide technical limitations gave rise to the method proposed in the Tariff for addressing

² Tenn. Code Ann. § 65-21-114 states:

- (a) Any telephone call made between two (2) points in the same county in Tennessee shall be classified as toll-free and shall not be billed to any customer.
- (b) This section shall apply to all companies or entities providing telephone service in this state as public utilities, including, but not limited to, telephone companies regulated by the Tennessee regulatory authority. However, this section does not apply to any telephone company which is prohibited by federal law from providing countywide service in a particular county.
- (c) Nothing in this section is intended to modify or repeal the rate-making and telephone regulatory authority of the authority or the right of telephone companies to earn a fair rate of return.

³ The revised language states:

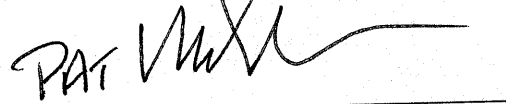
County-wide calls originated by a Frontier customer which are carried by an IXC (Interexchange Carrier) via 1 + dialing and terminate to a customer of another Local Exchange Company (LEC) or a Competitive Local Exchange Carrier (CLEC) that is not participating in County-wide Calling (code not available in the TAR code database) are rated and billed at the applicable toll charge. Any Frontier customer who is billed for an intra-county call of this type who notifies Frontier of the billing error will receive credit for the associated toll charges if Frontier is the billing agent for the IXC involved. At the time credit is issued Frontier will notify the TRA of the billing violation caused by noncompliance of the terminating LEC or CLEC so the TRA can take proper corrective action.

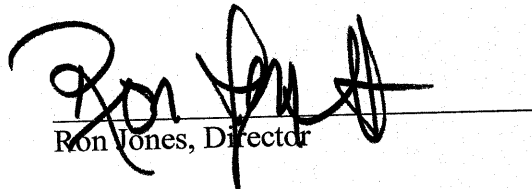
wide calling issue, the panel unanimously decided to open a docket for the purpose of conducting a workshop to gather information and input from the telecommunications industry related to preventing violations of Tenn. Code Ann. § 65-21-114. The panel appointed Director Jones as moderator of the workshop and directed him to file a report on the status of the workshop within one hundred and twenty days. Based on the decision to commence a workshop on county-wide calling, the panel voted unanimously to approve the Tariff, conditioned upon Citizens' agreement to provide notice on its customers' monthly bills that they may call Citizens to receive a credit for erroneous charges assessed for county-wide calls.

IT IS THEREFORE ORDERED THAT:

1. The Tariff to Clarify Language (Tariff No. 2003592) filed by Citizens Telecommunications Company of Tennessee is conditionally approved as stated herein.
2. Director Ron Jones shall facilitate a "workshop" to gather information from the telecommunications industry related to preventing violations of Tenn. Code Ann. § 65-21-114.
3. Director Jones is directed to file a report on the status of the workshop no later than one hundred and twenty days from August 4, 2003.
4. A docket shall be opened to receive official filings related to the workshop.


Deborah Taylor Tate, Chairman


Pat Miller, Director


Ron Jones, Director